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Held at the Palais des Nations, Geneva,
on Thursday, 1 August 1996, at 10 a.m.

President: Mr. Urrutia (Peru)

The PRESIDENT (translated from Spanish): I declare open the 743rd plenary meeting of the Conference on Disarmament.

First of all, on behalf of the Conference and on my own behalf, I should like to welcome once again Mr. John Holum, Director of the United States Arms Control and Disarmament Agency, who will be our first speaker today. As most of you will recall, Mr. Holum attended our Conference at the beginning of the session, in January. His presence among us today, at this crucial time when all of our efforts are directed towards the finalization of the comprehensive nuclear-test-ban treaty, shows the great importance that his Government attaches to the conclusion of the treaty. I am convinced that, as on prior occasions, his statement will be followed with the keenest interest.

In addition to the distinguished representative of the United States of America, I have on my list of speakers for today the distinguished representatives of China, Pakistan, New Zealand, Australia, Belgium, Japan, Switzerland, Colombia, the Islamic Republic of Iran, Sri Lanka and Brazil. Once we conclude the list of speakers, I intend to put before the Conference for a decision the requests submitted by Kazakstan and Seychelles to take part in our work as non-member States in conformity with our rules of procedure. I now call on the distinguished representative of the United States of America, Mr. John Holum.

Mr. HOLUM (United States of America): Mr. President, the United States congratulates you on your assumption of the Chair at this critical time for multilateral arms control. Peru has long supported the work of the Conference on Disarmament. Your leadership will be vital as the CD completes its work on arms control's longest-sought hardest-fought goal - a comprehensive test-ban treaty.

I have had the opportunity this week to meet with many of you in smaller sessions, and to consult how we might promptly conclude the CTBT. Today it is my privilege to address you formally. I want to begin by recalling key elements of President Clinton's statement just a few days ago, on 26 July. The President declared that:

> "Today, I am proud to tell you that when the Conference on Disarmament reconvenes in Geneva on Monday, we will be one step closer to realizing President Kennedy's vision of a safer world. The United States will support without change the comprehensive nuclear-test-ban treaty that the Chairman of the negotiating Committee proposed when the negotiations adjourned last June."

The President then called upon all CD members to "forward the Chairman's text without change to the United Nations so that the General Assembly can approve the treaty and open it for signature in September". And he concluded, "What a remarkable thing that would be".

Throughout the 1980s the United States was not ready to move swiftly on a

comprehensive nuclear-test-ban treaty. Since 1993, though, President Clinton has confirmed that we are ready to achieve this historic goal. Is this Conference ready?

The text President Clinton endorsed is that put forth by the distinguished Chairman of the Ad Hoc Committee on a Nuclear Test Ban, Ambassador Ramaker of the Netherlands, on 28 June. I congratulate Ambassador Ramaker on a job well done, and in particular for his diligence and care in drawing from this body a balanced and fair agreement, one that distils our disparate views in a way that allows us all to declare a victory, to claim this agreement as a success.

Ambassador Ramaker has taken care to avoid presenting this treaty on a "take it or leave it" basis. Rather, he has offered it to the Conference as his best effort to reflect consensus, where consensus can be discerned, and as a reasonable compromise where there is no common view.

Nevertheless, we must all recognize that as a practical matter, it still comes down to a choice between this treaty and no treaty at all This is dictated not by the Chairman, but by objective conditions.

To take the present draft treaty text only as the starting-point for further negotiations, rather than our best achievable result, might make sense if national positions had a flexibility which Ambassador Ramaker failed to apprehend. But they do not. We know this. We have explored it. We could spend more days, more months, more years searching for the perfect treaty. But we will never do better.

So whether it is called "renegotiation" or merely "refinement", the most probably result of further negotiation is to doom this treaty - and once more to turn back a 40-year effort to ban nuclear explosions.

Since the United States strongly supports it, I would like to address briefly the leading criticisms of the Chairman's proposed text.

First, there is a claim that the draft does not contribute sufficiently to nuclear disarmament, in particular because it does not contain a commitment to a specific end-point when disarmament will be complete.

But the draft CTBT is fully consistent with the nuclear disarmament process. No less than five preambular paragraphs address the connection between the two - and the preamble, with the rest of the treaty, is subject to review.

Of course, the fundamental commitment of all parties to pursue disarmament derives from the Treaty on the Non-Proliferation of Nuclear Weapons - and was reaffirmed in the Principles and Objectives adopted by the Review and Extension Conference last year. That same document called for conclusion of the CTBT as the first priority, no later than 1996. Last fall the United Nations General Assembly, by consensus, advanced that deadline to this September.

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Some member States obviously want even more. But we would all do well to consider where we would be today if President Kennedy and our other predecessors in these ventures had adopted the principle that no worthy step should be taken until everything can be achieved. Under such a rule, nuclear testing in the atmosphere would still be allowed, because we could not have agreed to prevent it. There would be no Nuclear Non-Proliferation Treaty. The dramatic steps in nuclear disarmament that are now under way - taking down two thirds of United States and former Soviet strategic warheads, and thousands more, intermediate- and short-range systems - would have been nullified, because we could not yet clearly envision the next step, much less the final one.

Clearly, overloading the CTBT with distinct goals not now achievable is a formula not for progress, but for paralysis - a search not for what is possible, but for what is not, to stop this work in its tracks.

A second criticism is that the treaty's scope should be broader, to include non-explosive experiments involving nuclear warheads, or even mathematical calculations as to how nuclear explosives might behave.

Leaving aside the impossibility of verifying such constraints, the United States has made clear that steps to maintain the safety and reliability of remaining weapons, not involving nuclear explosions, must continue. But we have also made it crystal clear, as long ago as President Clinton's message to this Conference in January 1994, that this treaty will stop new generations of nuclear weapons as well as constraining the spread of nuclear explosive capabilities to other States. This is sometimes referred to as halting both vertical and horizontal proliferation. Let me repeat: United States stockpile stewardship activities will not give us the means in the absence of nuclear testing to frustrate the comprehensive test ban, to discover technological alternatives, or to build new types of nuclear weapons.

In this way, the CTBT will in fact halt the vertical proliferation of nuclear weaponry. As President Clinton put it on 22 May, "we have got to stop an entire new generation of nuclear weapons by signing a comprehensive test-ban treaty this year".

Another criticism is that the verification regime reaches too far. United States views on verification are well known: we would have preferred stronger measures, especially in the decision-making process for one-site inspections, and in numerous specific provisions affecting the practical implementation of the inspection regime. I feel no need to defend this view. The mission for the Conference on Disarmament is not to erect political symbols, but to negotiate enforceable agreements. That requires effective verification, not as the preference of any party, but as the sine qua non of this body's work. Indeed, some four years ago, when the Chemical Weapons Convention was completed, the consensus was that the equivalent of a sub-majority of one fourth of the Executive Council was enough to authorize an on-site inspection.

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Nevertheless, the United States has made a difficult decision - that, on balance, it will accept the positions embodied in the draft treaty, recognizing that in doing so it has stretched itself to the limit in what is provided for effective verification, both for the discovery of cheating, and for its deterrence.

On the other hand, the United States has no less need than anyone else for confidence that facilities unrelated to the scope of this treaty will not be subject to unwarranted scrutiny. But we believe the draft treaty leans farther toward the "defence" than is necessary. If we seek to verify a true-zero-yield treaty, we cannot do without at least the treaty's modest provisions to support verification in places where nuclear explosions reasonably could occur.

It is argued that the entry-into-force provision brings into question both the utility of the treaty and the sovereignty of States. On this issue the United States would have preferred a number of outcomes over the one we are prepared now to support. And we are well aware of the anxiety voiced by many States and groups that the present provision is tantamount to neutering the treaty.

The United States does not share that assessment. For we know - indeed, from our own experience, on this treaty - that the views of Governments evolve. We thus are confident that the treaty will not only be signed immediately by the great majority of nations, but that before too long those not presently in a position to adhere will be able to reconsider.

This confidence flows from our conviction that the CTBT will in fact serve the basic security objectives of all States; that it will in fact be the next milestone on the path toward nuclear disarmament; that it will be an important stabilizing factor in all regions of the world; that it in fact satisfies the aspirations Member States of the United Nations voiced so strongly over the past four decades to put a stop to all nuclear explosive testing.

The CTBT will serve its ultimate goals even before its entry into force. The actions of this body, in agreeing to forward the treaty to the United Nations General Assembly; the actions of the Assembly, in agreeing to endorse the treaty and request that it be opened for signature; and the actions of States, in signing it, will establish a powerful norm against nuclear explosions. From the time of decision, the near-consensus of the international community will serve as a mighty barrier against testing. As proof, I would point out that even before the negotiations are completed, but in their light, all the nuclear-weapon States have already stopped nuclear-weapon testing.

The term "sovereignty" has been invoked in connection with the entry-into-force provision. No one denies the sovereign right of a State to choose to endorse this treaty or not, to sign or not, to ratify or not. But we should also consider the sovereign rights of all the other States in these negotiations to decide collectively upon the conditions for the treaty's full effectiveness. And

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we should consider as well the authority of the Conference on Disarmament, and how it will suffer if it is unable to complete this historic negotiation.

Finally, we hear complaints about process - that there has been too little negotiation, or that the treaty has been somehow "pre-cooked" by Ambassador Ramaker or one or another group of States.

That is answered in both the texts and the process that yielded it.

As for whether the text has been "pre-cooked", I can only tell you that if the United States had been engaged in such activity, we would have consulted a much different cookbook. Among many other things, the treaty does not contain: our original proposal for an option to withdraw from the treaty at the 10-year mark without citing reasons of supreme national interest; our proposal that the treaty's scope provide room for so-called "hydronuclear" experiments with very small nuclear yields; our position that on-site inspections should proceed automatically unless two thirds of the Executive Council votes "no"; on verification overall, the treaty tilts toward the "defence" in a way that has forced the United States to conclude, reluctantly, that it can accept, barely, the balance that Ambassador Ramaker has crafted; and, as I've said, the United States would have strongly preferred a different outcome on entry into force. But we are convinced that the likelihood of a better outcome through further negotiation is nil.

Certainly, we all have disappointments in this treaty. And that is the case precisely because it has emerged from a negotiating process, which as had to account for a wide variety of national interests and perspectives.

The current text manifestly is drawn from two and one half years of all delegations' efforts - from the rolling text, from alternative drafts or segments introduced by several delegations, from the working groups, from intense work by numerous Friends of the Chair who focused on particular issues, and then from the Chairman's meticulous consultations and distillation of reactions to successive drafts. Every nation that wanted it, and every group, has had a part in those procedures.

The vast bulk of the text, perhaps 90 or 95 per cent, faithfully represents the true state of the negotiations, where consensus has been achieved. The remainder - which to be sure includes some of the most important and sensitive issues - bespeaks a search for a fair middle ground between strong, irreconcilable differences of view. And as to these provisions, such as on the trigger mechanism for on-site inspections, we must recognize, first, that they are largely "zero sum" matters, so that the text cannot be moved toward one side without moving away from the other. Even more importantly, it is clear that in crafting solutions the Chairman has been scrupulously fair and reasonable in his judgments. He has consulted widely. He has done his best to measure both the content and the intensity of views. He has considered the national security interests and the global precedents involved. As a result, he has produced a

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draft treaty that none of us, despite our disappointments, can claim is unrepresentative or unfair. Indeed, if such claims are still made, then we would have to question seriously whether a multilateral body of this kind can ever both negotiate properly and reach final results.

Therefore, this is the text that should be forwarded to the United Nations General Assembly for its endorsement, and opened for signature by the outset of the fifty-first General Assembly.

The obvious remaining problems notwithstanding, I still have faith that that can happen - for two very basic reasons. The first comes from contemplating what happens if we fail. No one can guarantee that if the Conference on Disarmament forwards this treaty to the United Nations, then by a certain date the world will be free of nuclear weapons. But all can fully understand that such a day will be long delayed, perhaps indefinitely, if after four decades of effort we now falter in taking the next concrete step down that road.

If we fail now, no one will remember that it was for the sake of greater glory, more progress all at once, a more perfect agreement. They will simply remember that the member States had the opportunity to take a profoundly valuable step, and could not bring themselves to do so.

But we can act now not only to escape that dismal fate, but to seize an alternative future brimming with hope. For this treaty truly achieves a long-standing and lofty goal - to end nuclear explosions of any size by anyone, anywhere, for all time. For this treaty's scope truly embodies the objective envisioned for the comprehensive test ban since the earliest days, in the middle of the 1950s, when world leaders of great vision saw that ending all nuclear explosions would sharply constrain the further development of nuclear weapons. And this treaty truly has a place in the process of disarmament - representing a giant step toward the day when nuclear weapons will themselves be a memory.

The time of the comprehensive nuclear-test-ban treaty has at last arrived. Let all the nations represented here, and their distinguished representatives, be remembered as the ones who finally claimed it - and so earned an honoured place in history, and served a waiting, grateful world.

The PRESIDENT (translated from Spanish): I thank the distinguished representative of the United States for his important statement and the kind words he addressed to the Chair. The distinguished representative of China, Ambassador Sha, has the floor.

Mr. Sha (China) (translated from Chinese): Mr. President, the Chinese delegation is pleased to see you once again presiding over the Conference on Disarmament. At present the CTBT negotiations have reached a truly crucial stage. It is our belief that with fair and efficient leadership and a spirit of fully accommodating the legitimate concerns of all negotiating parties we will be able to achieve the conclusion and signing of the CTBT within this year. The

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Chinese delegation will continue to cooperate fully with you, Sir, and with the other delegations for the realization of this objective.

In order to live up to the long-cherished expectations of the international community and to push forward the CTBT negotiations to promote nuclear disarmament and nuclear non-proliferation, the Chinese delegation has in the past two and a half years, under the instructions of the Chinese Government, participated in the negotiations in a positive and serious manner. It is our sincere hope that through the joint efforts of all parties concerned we will be able to conclude within this year and on a consensus basis a just, reasonable, verifiable and indefinite CTBT with universal adherence.

In order to facilitate the conclusion of this treaty as scheduled, China has shown compromise and flexibility to different degrees on almost all the important issues in the treaty. On the scope of the treaty, China dropped the phrase "release of nuclear energy" and agreed to ban "any other nuclear explosion" besides nuclear weapon test explosions. On the issue of peaceful nuclear explosions, China respects the position of the other countries and agreed to ban PNEs temporarily. On the issue of undertakings by nuclear-weapon States not to be the first to use nuclear weapons against each other and not to use or threaten to use nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones, China withdrew its relevant textual proposals. China also dropped its textual proposal on the "peaceful use of nuclear energy" and "relation to other international agreements". On IMS issues, China withdrew its proposal on incorporating EMP and satellite monitoring networks into the system. The Chinese delegation also showed great flexibility on OSI-related issues, such as consultations and clarifications before OSIs, purpose, time lines, preparations, inspection plan, technical methods and the size of the inspection area. On the OSI access regime, China is now prepared to enter into many new international obligations, including, for the first time, accepting the "overflight regime". On the issue of national technical means (NTMs), China has consistently opposed in the past two years and more the concept of allowing NTMs to play a role in the CTBT verification regime, particularly in the triggering of OSIs. With a drastic adjustment of its position China can now agree to allow purely technical NTMs to play a supplementary role in triggering OSIs. This is a major concession on the part of China at the final stage of the negotiations. As for the trigger basis and decision-making procedure for OSIs, I will explain China's position in more detail later. I wish to emphasize that such flexibility and compromise are no easy matter for China and that they are meant for the sole purpose of facilitating the early conclusion of the CTBT. Needless to say, China's flexibility and compromise will stop on matters concerning its fundamental national security interests.

China has carefully studied the treaty text (WP.330/Rev.1) presented by the Chairman of the NTB Ad Hoc Committee on 28 June. We hold that the way the text addresses many issues reflects the outcome of hard negotiation in the past two and a half years, covering by and large China's concerns. The Chinese delegation finds these parts acceptable in principle. Meanwhile, I must point

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out that differences still exist between China's position and the options presented by the AHC Chairman in his text concerning the trigger basis and decision-making procedure for OSIs. The so-called "compromise option" contained in the current Chairman's text accommodates only the needs and interests of certain countries possessing advanced verification technologies, while not fully reflecting or simply ignoring the reasonable proposals and demands put forward by many other countries, including China. It also fails to reflect objectively the real situation of the negotiations at the final stage. This option can hardly ensure fair OSIs. The Chinese delegation is seriously concerned at this. For the Chinese delegation, the trigger basis and decision-making procedure for OSIs is the last unresolved major issue in the negotiations and it deserves a satisfactory solution. For this reason, we suggest that consultations or negotiations on this issue should be conducted immediately in an appropriate manner in order to seek a consensus solution.

The Chinese delegation maintains that neither 28 June nor 29 July is the end of the world. The Chinese delegation is certainly aware that the international community, almost all countries in the world and many non-governmental organizations expect the early conclusion of the CTBT. The Chinese delegation shares this objective. Setting a time line for the negotiations may be conducive to the progress of negotiations. However, the basic objective of our negotiations should be to conclude a treaty which can stand the test of time and will not be detrimental to the legitimate interests of future States parties. For the Ad Hoc Committee itself, the basic objective should be to fulfil its negotiating mandate. The negotiations come to an end only after all negotiating parties agree by consensus that the aforementioned objectives have been realized.

I would now like to explain some basic views of the Chinese delegation on OSI issues and put forward some proposals for resolving the differences. OSI is the last resort of the CTBT verification regime, used under extremely exceptional circumstances. This has been a common view held by all parties; we should therefore adopt a very prudent attitude in dealing with the trigger basis and the decision-making procedure OSIs.

First, the trigger basis. I wish to reiterate that China is firmly opposed to using human intelligence or espionage information in triggering an OSI in the name of "national technical means". China will never allow legitimizing espionage, as it infringes upon national sovereignty, in the CTBT or other future international arms control and disarmament treaties. The Chinese delegation has consistently stressed in the negotiations that in triggering an OSI, information obtained by NTMs cannot enjoy the same status as IMS data. However, the current Chairman's text treats NTMs and IMS information on an equal footing. Since the IMS has to go through a strict technical examination and is accessible to all States parties, while NTMs face no technical assessments or restrictions, therefore the Chairman's text has in reality put NTMs above the IMS. This is too much. The Chairman's text also stipulates that the information obtained by NTMs can independently trigger an OSI. Leaving aside the question of the appropriateness of this provision, it is a fact that only a few technically

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advanced countries posses such means. Against such a backdrop it is up to the countries possessing such means to decide what, how and when and against whom to use them. This certainly cannot prevent subjectivity, discrimination and the possibility of abuse in the application of NTMs. Moreover, while we at least know the details of the four IMS technologies, the Chairman's text gives no clear-cut definition of NTMs or their scope. Nobody knows the full content of NTMs. Under such circumstances is it reasonable to ask us to accept such an ambiguous concept?

We are able to understand why certain technically advanced believers in power politics and a "world police" are so anxious to replace the IMS by their exclusive NTMs and monopolize international verification. I would like to remind them that the world is changing and justice will prevail over discrimination, equality over hegemony and a minority will not coerce the majority for ever. The time has long gone when certain big Powers exercised their so-called "heaven's decree" and called the shots for all. The Chinese delegation firmly holds that if purely NTM information is allowed to trigger an OSI arbitrarily and under no restrictions, then it will certainly lead to the abuse or misuse of OSIs. China is firmly opposed to a situation in which certain technically advanced Powers might take advantage of NTMs to frequently harass and discredit the developing countries with dubious accusations and infringe upon their illegitimate security interests.

In view of the above-mentioned facts, the Chinese delegation holds that necessary restrictions must be imposed on the NTMs relevant to the verification regime. First, the use of human intelligence and espionage must be completely excluded. Second, all States parties must be aware of what kind of NTMs are allowed. Third, NTM information used to trigger OSIs must be truly technical, verifiable and substantial. For example, for any suspected underground nuclear explosion it is necessary for the OSI request to present data obtained by the relevant seismic monitoring stations - data which are distinguishable from natural earthquakes.

Second, the decision-making procedure. The Chinese delegation has always held that as nuclear explosions are not silent activities they can be detected by means of remote sensing technologies. This is also the starting-point for the design and establishment of the IMS, and this is precisely the difference between the CTBT and the Chemical Weapons Convention. Moreover, many phenomena caused by nuclear explosions persist for a long time. Therefore, it is reasonable and necessary for the Executive Council to examine OSI requests and make political decisions on whether to initiate an OSI within convenient time lines. The current Chairman's text has excluded the so-called "red light" decision-making procedure which means automatic triggering of OSIs unless a majority disapproves. The Chinese delegation is satisfied with this.

The Chinese delegation is of the view that approving an OSI request by a simple majority of all Executive Council (EC) members, as contained in the Chairman's text, is insufficient. According to international practice and the

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provisions on the functions of the EC contained in the current text, the EC can only make decisions on matters of procedure by a simple majority. OSIs are a last resort of the verification regime to deal with extreme circumstances, and not routine. Therefore, OSIs are by no means a matter of procedure. During the negotiations the Chinese delegation has all along asked those countries which disagree with a "two-thirds-majority green light" to answer a question, which I raise once again today: if OSIs are not a substantive issue, what are the substantive issues for the EC to deal with? This question has never been answered. However, it must be answered. China and quite a number of other countries have consistently held that OSIs are one of the most important substantive issues for the treaty organization to deal with and must be approved by at least a two-thirds majority of all the EC members. The Chinese delegation cannot agree to allowing easy inspections in its country by inspectors coming and going like international tourists. Nowadays some people always talk about democracy to show that only they are democratic. I understand democracy to mean respecting the judgement and choice of the majority. However, those people who talk all day long about democracy do not believe in the ability of the majority of countries to make a correct judgement on such a crucial issue as OSIs. This is most disturbing.

In the final analysis, OSI is not a political game and it should not become a political tool for hegemonic Powers to coerce the weak and small. Technically speaking, so long as the requesting countries can present convincing monitoring data, all responsible EC members will approve the initiation of OSIs without any delay. Therefore, if some country worries that the majority decision of the EC may hinder the initiation of normal OSIs, this may show that it has a guilty conscience in attempting to use groundless information to misuse OSIs. The Chinese delegation is of the view that after the entry into force of the treaty, if any country dares to carry out a nuclear explosion in breach of the treaty and expects most countries to forgive it, then this can only be a total illusion. At that time, even requiring a four-fifths majority in approving an OSI will not save the violator of the treaty. The Chinese delegation proposes a higher majority for approving an OSI only for the purpose of preventing abuse. Unfortunately, this kind of abuse happens all too often and our experience is all too painful in this regard.

In the light of the fact that a quick consensus cannot be reached on the "two-thirds-majority green light", the Chinese delegation hereby formally proposes that the EC should approve an OSI request by a fixed 30 affirmative votes out of its 51 members. This kind of decision-making procedure is nothing new and has its precedent in the United Nations Security Council. Our consideration behind this proposal is that among the 51 EC members, a "simple majority" means 26 votes and a "two-thirds majority" means 34 votes. "Thirty votes" therefore constitute the balancing point. The figure of 30 can demonstrate, on the one hand, that an OSI is not a "routine inspection" of a procedural nature, and on the other hand can avoid a breakdown of the negotiations due to the intransigence of some countries in refusing to treat OSIs as a matter of substance. Under this "30-vote option", an OSI would be triggered

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by less than a three-fifths majority of all the EC members. The Chinese delegation maintains that this option is the best possible balancing point to be reached under the current circumstances.

In fact this option was not invented by China. It was proposed informally by some colleagues of other countries during the last part of the CD session. Many countries once indicated their readiness to accept this compromise. Another option is as follows: if the OSI request is based on IMS data only, the decision to approve the OSI shall be made by a majority of all members of the Executive Council. If the OSI request is based on a combination of IMS and NTM data, then the decision to approve the OSI should be made by at least 30 affirmative votes of EC members. If the OSI request is based on NTM data only, the decision to approve the OSI should be made by a two-thirds majority of all the EC members. The advantage of this option is that it reflects the principle of distinguishing NTMs from the IMS. The Chinese delegation urges all parties concerned to consider these two options positively and settle this issue by consensus.

The international community is expecting the NTB Ad Hoc Committee of the CD to conclude the CTBT negotiations at an early date. All the sovereign States participating in this negotiation are also expecting their delegates to conclude a good treaty which is just and equal as soon as possible. The Chinese delegation calls on all parties to put aside any prejudice, adopt a reasonable and flexible attitude and make the necessary compromises, so as to eliminate our differences at an early date and to facilitate the conclusion and signing of the treaty as scheduled. The Chinese delegation will continue to cooperate fully with the other delegations in order to fulfil this historic mission.

The PRESIDENT (translated from Spanish): I thank the distinguished representative of China for his statement and the kind words addressed to the Chair. The distinguished representative of Pakistan, Ambassador Akram, now has the floor.

Mr. AKRAM (Pakistan): Mr. President, it is a pleasure to see you, a wise and able representative of friendly Peru, preside over the proceedings of the Conference on Disarmament at this historic moment. I would also like to express a word of welcome to Mr. John Holum, Director of the United States Arms Control and Disarmament Agency.

We are - finally - reaching the end of our negotiations on the comprehensive text-ban treaty. We hope the end will be a happy one.

The member States of the Conference were provided with a text of a CTBT by the Chairman of the Ad Hoc Committee on 28 June when the second part of our 1996 session concluded. We were asked by the Chairman to study the text and to give our response to it after the interregnum in our proceedings. Today, we are responding to that invitation.

First of all, I wish to reiterate that Pakistan is not satisfied with the

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manner in which the negotiations on the CTBT have proceeded in the last session. The discussions have lacked transparency, and the texts produced have not entirely been the product of these talks. More often than not, texts relating to vital parts of the treaty have "descended from heaven and elsewhere".

Secondly, as we said here on 25 June, the text of the CTBT which has emerged from this process does not match up to the hopes and expectations which the world community has entertained for a CTBT for four decades. This treaty will not be comprehensive - it will ban only nuclear explosions and not all nuclear tests. It could allow some qualitative development of nuclear weapons and fall short of the aim of promoting nuclear disarmament. Some provisions relating to verification give rise to legitimate concerns. And there is now a danger that the treaty may not be universal.

Despite these serious shortcomings, Pakistan has displayed its readiness to remain engaged in the negotiations in order to evolve a text which can be universally accepted. We have done so because we believe that a CTBT, even with its shortcomings, will contribute significantly to restraining the further development of nuclear weapons, specially new types of nuclear weapons, and to nuclear non-proliferation. Thus, we feel that this treaty would be "good for the world and good for our region", a region where the nuclear spectre was raised 22 years ago by the "Smiling Buddha".

Despite our positive and constructive approach, today I am obliged to express some important concerns regarding the CTBT text proposed by the Chairman of the Ad Hoc Committee and on the process of our negotiations.

Firstly, let me say that the Chairman's text does reflect, in large part, the major progress which was made in the process of negotiations. But in some significant areas, the text does not take into account the strongly held positions of some States whose participation is vital for the success of the CTBT. Nevertheless, in order to advance the process, we are prepared to accept the Chairman's text as the basis for further consultations and negotiations to evolve a full consensus on a CTBT.

But we should not be expected to accept the Chairman's text "without change": the practice of proposing a "take it or leave it" or, even worse, a "take it or take it" text is not acceptable to Pakistan. The text which emerges from the CD must be the product of genuine negotiations.

More substantively, the Chairman's text has not addressed several issues of serious concern to Pakistan. I would like to mention these briefly.

One, like many other delegations, Pakistan has repeatedly affirmed that the verification of the CTBT must be accomplished primarily by the international monitoring system and that on-site inspections must be a rare and exceptional occurrence. Given their serious implications, a decision to launch an OSI should be approved by at least a two-thirds majority of the Executive Council. We

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consider this essential to deter frivolous or abusive requests or the launch of OSIs against targeted countries, specially since these will not be based exclusively on IMS data but also on data from national technical means. As a compromise, we can accept a staggered decision-making process, that is, approval of an OSI by a simple majority when based on IMS data, by 30 votes when based on a combination of IMS and NTM data, and by a two-thirds majority when based exclusively on NTM data.

Two, the use of NTMs for verification of the CTBT needs to be properly regulated. There must be legally binding assurances that espionage and human intelligence will be expressly excluded from the purview of NTMs.

Three, we wish to secure clear recognition that IMS information will hold primacy in the context of the treaty's verification and that NTM data will not supersede the IMS data.

Four, the NTMs that can be legitimately used for CTBT verification must be clearly spelt out. We shall reserve the right to take all necessary measures to preserve our national jurisdiction from foreign intrusion - whether technical or physical.

Five, the right of States to deny access to facilities and structures that are demonstrably not related to the "basic" obligations of the CTBT must be expressly recognized. This provision was not reflected in the Chairman's text despite agreement on it in the negotiating process. Perhaps this was an omission or oversight.

Six, we have stated that the annexed lists of countries to be included in various regions for membership of the Executive Council are not necessary. They may prejudice negotiations in other bodies. Their composition can be determined by the concerned States only after it is known which States will be parties to the treaty. Therefore, these lists should be deleted. Alternatively, it should be clearly stated that these lists are merely "indicative" and that final decisions will be taken by the States parties after the treaty comes into force.

Pakistan's consistent support for the conclusion of a CTBT is an important manifestation of our sincere endeavour to promote nuclear non-proliferation, to hold back the nuclear genie, specially in South Asia. Even as nuclear escalation has occurred across our eastern border - first, in the form of unsafeguarded facilities; then, a nuclear test; and next, the development of short- and medium-range nuclear-capable missiles - pressures and penalties have been applied against Pakistan for no other reason than our determination to safeguard our national security.

For the past several years, the Government of Pakistan has adopted an important principle: we will accept obligations and commitments in the field of nuclear non-proliferation only if these are equitable and non-discriminatory. We will not accept unilateral obligations or commitments.

(Mr. Akram, Pakistan)

It is for this reason that we attach the highest importance to the provision in the Chairman's CTBT text that the treaty will enter into force only once it has been signed and ratified by 44 States including all the nuclear-capable States. If one of these eight States maintains the "right" to test, so will the other seven. Their security interests are interlocking. They must all come into the treaty. In this sense, this treaty is an "all or nothing" treaty. Therefore, Pakistan will strongly oppose any change in the "entry-into-force" provisions contained in article XIV of the Chairman's text.

It is sad and ironic that the State which for so long championed the cause of the CTBT has now threatened to veto the treaty because the text asks for the adherence of this State, and of 43 others. While most of the world seeks a global moratorium on nuclear testing, this State asserts the "right" to conduct a test. Its leaders vow to keep its nuclear option "open".

What is amazing and disconcerting for the people of Pakistan is the equanimity with which certain Powers have responded to this challenge to one of the most important goals in the field of disarmament and non-proliferation. The fate of our negotiations - the fate of this long-sought objective - hangs in the balance. The international community must exert the necessary political energy in order to ensure the success of our negotiations and the successful conclusion of the comprehensive test-ban treaty.

The PRESIDENT (translated from Spanish): I thank Ambassador Akram for his statement and the kind words addressed to the Chair. The distinguished representative of New Zealand, Ms. Lucy Duncan, has the floor.

Ms. DUNCAN (New Zealand): Mr. President, let me first offer your New Zealand's warm congratulations on the assumption of the presidency and assure you of our full cooperation and support as you guide the Conference through a critical period in its history.

I am taking the floor today for two purposes. The first is to announce that on 15 July 1996, New Zealand ratified the Chemical Weapons Convention, the 58th country to do so. We now stand with other States parties on the brink of achieving what we have been striving for since January 1993 when the Convention was opened for signature - that is, the deposit of the 65th instrument of ratification which will trigger the 180-day countdown to entry into force. New Zealand hopes that all other signatory States who have not yet ratified will do so at the earliest opportunity. We particularly urge the United States and the Russian Federation to complete their ratification procedures before the Convention enters into force. New Zealand has always attached importance to the CWC which is the first global treaty to ban an entire class of weapons of mass destruction, and to provide a comprehensive verification mechanism to ensure full compliance with its provisions. Entry into force of the Convention will be a landmark in the global disarmament process. New Zealand, as a country with a strong interest in all fields of disarmament, is pleased to have become a founding member of this treaty.

My second purpose is to inform the Conference of the New Zealand Government's firm protest against China's conduct of a nuclear test on 29 July. New Zealand has condemned this test, and has noted to the Chinese authorities its particular disappointment that it took place on the eve of the resumption of this session of the Conference on Disarmament which has the goal of concluding the CTBT negotiations. The New Zealand Government has welcomed China's commitment to enforce henceforth a moratorium on nuclear testing, but has also conveyed its expectation that China will go further and join other countries in bringing to a prompt conclusion these negotiations, so that the international community can be assured that China's latest test is the last such explosion for all time.

The PRESIDENT (translated from Spanish): I thank the distinguished representative of New Zealand for her statement and the kind words addressed to the Chair. The distinguished representative of Australia, Ambassador Starr, now has the floor.

Mr. STARR (Australia): Mr. President, I would like to take this opportunity to welcome you warmly to the presidency and assure you of the full cooperation and support of the Australian delegation.

Our CTBT negotiations are at their most critical stage, yet this is also the point of greatest opportunity. They need to be handled with great care. The draft treaty we now have - which the Chairman of the Ad Hoc Committee on a Nuclear Test Ban, Ambassador Ramaker, described as "the peak of convergence" - is the synthesis of two and a half years of dedicated work, expertise, imagination and drudgery, compromise and agreement. In many cases, the negotiation has modified some of our most cherished national positions. But, as a result of our efforts and our tenacity, we have an important achievement to accredit to the Conference on Disarmament.

Like other delegations, we examined the Chairman's CTBT text closely between sessions. There are many elements which not only give credibility and weight to the treaty, but also demonstrate just how far we, as a diverse group, have been able to travel in reaching this point of convergence.

We recognized also that in some respects the text does not match our preferred positions, notably the entry-into-force formula. We used the inter-sessional period to explore the prospects for securing a more flexible provision, but concluded that it would not be possible to achieve this.

We are confident, however, that the treaty will have significant normative value even prior to its entry into force. We intend to look to the signatories - of which we are certain there will be many - to uphold their responsibility to act in accordance with the object and purpose of the treaty. Further, the inclusion of a provision for annual conferences to address the entry into force of the treaty under article XIV reassures us that the text will remain at the forefront of international thinking and the momentum behind it maintained until the treaty enters into force.

(Mr. Starr, Australia)

Thus, after careful consideration, Australia made the decision to support the CTBT text of the Chair as it is. In our view, the Chair's text on which we are now making our judgements represents as reasonable a compromise text as it is possible to achieve.

As I have already said, we are at the critical point of this negotiation. It is tempting for delegations to consider advantages in reopening certain discrete parts of the text, but the compromises are now finely balanced. With every attempt to win more, we risk a loss greater than the gain. We fear the unravelling of all that we have collectively achieved. Each of us who has been intimately engaged in the hard, long negotiation should be appalled at the prospect of such waste.

In supporting the text as it stands, we see it as a serious element in a network of disarmament endeavour. It will impose, for the first time, constraints on the qualitative improvement of nuclear weapons and bring the arms race to a definitive end. It will make a key contribution to the programme of action on nuclear non-proliferation and disarmament agreed at the 1995 NPT Review and Extension Conference. It is a crucial step in the process towards complete nuclear disarmament.

It was with great regret that Australia learned of the nuclear text conducted by China on 29 July. We have long called for an end to all testing.

We welcome China's declaration of a moratorium on testing, applicable immediately, and we acknowledge that this represents an important step forward for international arms control and non-proliferation. It has given us reason to hope that the test conducted on 29 July 1996 will be the last nuclear test conducted by any State, ever. We now look to China to take the commitment evident by the moratorium further, by putting its considerable weight behind the successful conclusion of the negotiations.

We should not lose sight of the fact that as it stand the treaty text before us represents a most substantial achievement for this Conference. For many years the international community has sought a CTBT. This is our opportunity. Attainment of the treaty is now so close, the stakes so high, I would call on all delegations to help find the solutions, and take the necessary steps to enable us to open the comprehensive test-ban treaty for signature at the outset of the fifty-first General Assembly.

The PRESIDENT (translated from Spanish): I thank the distinguished representative of Australia for his statement and the kind words addressed to the Chair. The distinguished representative of Belgium, Ambassador Guillaume, has the floor.

Baron GUILLAUME (Belgium) (translated from French): Mr. President, as this is the first time that my delegation is speaking under your presidency, I would like to congratulate you on taking up this heavy task today. Having seen you at

(Mr. Starr, Australia)

work in other forums, there is no doubt that your professional skills will be very useful to us in finalizing our work. For finalizing is indeed the task before us. Almost three years ago now, the CD set itself as its principal task, the priority of priorities, the drafting of a nuclear-test-ban treaty. The negotiations have been arduous and diverse, both at the political level, where serious questions arose, because this is a subject which touches the heart of the security interest of States, and at the technical level, because we were confronted with a new equation which we had to resolve. Under the chairmanship of the successive Chairmen of the Ad Hoc Committee, this task was undertaken and pursued, and now we are in the final phase of the negotiations before being able to say that they have been completed.

We are now at the conclusion of these negotiations, and this conclusion even has a reference number, that is, WP.330/Rev.1 of 28 June 1996. Belgium for its part can support this text and recommend that it be sent to New York to be endorsed by the United Nations General Assembly. To be sure, this is not the ideal text that we would have liked to see, and in our view it contains many imperfections. To begin with, we would have preferred a firmer wording in the preamble on the question of nuclear disarmament. As early as 15 February 1996 I said so before this assembly: "The [CD] ... has a role to play in nuclear disarmament, as it is proving with current CTBT negotiations". Hence it would have been more normal for the preamble to place the CTBT in the context of the process of nuclear disarmament. We also have reservations concerning entry into force. The formula in itself was not bad, but the way it was presented, with all flexibility removed, was not likely to convince those who were hesitating most - and everyone knows that at a certain point, a certain pressure, any additional pressure can only have negative and counterproductive effects. An effort should have been made to persuade, not to try to impose. As for the verification system, and in particular on-site inspections, we are also disappointed because we considered that the system should be essentially dissuasive in nature. This seems to have totally disappeared in a cumbersome and complicated procedure.

Belgium is in favour of a CTBT, without delay. Indeed it was for that reason that we proposed entry into force upon signature. But Belgium also wants universal accession to this treaty. Today we accept WP.330/Rev.1 as a compromise text, the outcome of 32 months of negotiations. At this stage, the text must not be reopened, regardless of the concerns of some (if not all) participants, and however legitimate they may be - otherwise we will have no treaty. That is how things stand today: if we want a treaty, we have only this text. Time is pressing and we can no longer renegotiate. Any attempt to do so may jeopardize the final objective and thus would entail grave responsibility in the eyes of international opinion.

Yet although we cannot touch the text, that does not mean we cannot do anything to try to accommodate certain concerns of various parties. An example is nuclear disarmament, which I referred to earlier. I regret the wording of the preamble but that is certainly not a reason for rewriting it. We could, however, try to find a formula which would restore the balance somewhat when forwarding

(Baron Guillaume, Belgium)

the treaty to the United Nations General Assembly. The same thing applies to entry into force. It is too late to change the reference to the CD, perhaps too delicate to go back - as we have always held that we should - to a high percentage of members rather than all of them, but why, if we keep the present wording - and it must be kept so as not to reopen the text - why should we feel obliged to "rub it in" by adding an annex where the name of each country is explicitly listed? Let us keep the formula but delete the annex.

The CTBT is certainly a legal contract - as a marriage contract would be in civil law - but, as in the case of marriage, it goes much further: it is a commitment. Those who see in this treaty only a succession of obligations and think only of trying to circumvent them are on the wrong track. Above and beyond legal obligations, the force of the treaty will lie in its dynamism. We can see the first tangible effect already - although it has not even been signed yet - with the moratoriums of the five nuclear countries not to embark on any more nuclear tests. Of course, we regret the recent Chinese nuclear test. But we ardently hope that 29 July 1996 will go down in history not as the date of the last Chinese test but as the first day of a world finally free of nuclear tests.

The PRESIDENT (translated from Spanish): I thank the distinguished representative of Belgium for his statement and the kind words addressed to the Chair. The distinguished representative of Japan, Ambassador Kurokochi, has the floor.

Mrs. KUROKOCHI (Japan): Mr. President, may I begin by expressing our satisfaction to see you presiding over the Conference on Disarmament at this very crucial period? We are at the final stage of our negotiations on the CTBT and we are fortunate to be able to rely on your skilled leadership at such a challenging time.

I already expressed on Monday, in the Ad Hoc Committee on a Nuclear Text Ban, Japan's regret regarding the nuclear test conducted by China on that day. However, for the record of the Conference on Disarmament, I would now like to read the comment made by the spokesman of the Government of Japan, Chief Cabinet Secretary Mr. Seiroku Kajiyama, on 29 July.

> "It is extremely regrettable that the People's Republic of China conducted another nuclear test today, despite the repeated requests of the international community, including Japan, for the cessation of nuclear testing, and in the midst of the energetic effort made for the completion of the comprehensive test-ban treaty (CTBT) negotiations, which are now in the final stage at the Conference on Disarmament in Geneva.
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> "China announced that it would observe a moratorium on nuclear testing effective from 30 July. Japan earnestly hopes that China will make an effort from a wider perspective for the early completion of the CTBT negotiations and for the promotion of nuclear disarmament aiming for a world free of nuclear weapons."

(Mrs. Kurokochi, Japan)

At this important juncture of the CTBT negotiations, allow me to reiterate Japan's position at the plenary as well. Japan has decided to accept the Chairman's text as it is, although it is not entirely satisfactory to Japan. In view of the limited time available for us, the Chairman's text seems to be the only proposal which enables us to have a treaty. Japan strongly appeals to other countries to accept this Chairman's text so that it can be opened for signature in September.

The PRESIDENT (translated from Spanish): I thank the distinguished representative of Japan for her statement and for the kind words addressed to the Chair. I call on the distinguished representative of Switzerland Mr. Jeanty.

Mr. JEANTY (Switzerland) (translated from French): Mr. President, since my delegation is taking the floor for the first time under your presidency, allow me first of all to congratulate you on your accession to your new duties and to express my satisfaction at thus being able to cooperate with you. At this decisive moment in the Conference on Disarmament I would like to assure you of the full support of the Swiss delegation.

Switzerland regrets the Chinese nuclear test which took place on 29 July. Today as in the past, my country has always been concerned at nuclear tests and the need to ban them. However, it is with great satisfaction that Switzerland has learned of the announcement made by the People's Republic of China to observe a moratorium on nuclear tests as of 30 July 1996. That commitment is an encouragement to rapid progress towards the conclusion of the negotiations on the CTBT. To that end Switzerland would like to reiterate the support given to the draft text CD/NTB/WP.330/Rev.1. Although it is not able to meet all expectations, nevertheless today it remains the result of a consensus which has been negotiated over more than two years. The Swiss authorities also take this opportunity to call upon the Conference on Disarmament as a whole to respond favourably to the efforts made in favour of disarmament and nuclear non-proliferation.

The PRESIDENT (translated from Spanish): I thank the distinguished representative of Switzerland for his statement and his kind words. The distinguished representative of Colombia, Ms. María Francisca Arias, has the floor.

Ms. ARIAS (Colombia) (translated from Spanish): Mr. President, as my delegation is taking the floor for the first time as a fully fledged member of the Conference on Disarmament and under your presidency, I would like to congratulate you on the way in which you have been guiding our work at a crucial time for this forum. Likewise, allow me through you to thank Ambassador Ramaker of the Netherlands for his tireless work leading the ad hoc group on nuclear tests.

Colombia has closely followed the negotiations in the ad hoc group on a nuclear test ban, and carefully studied the Chairman's text contained in document

CD/NTB/WP.330/Rev.1 of 28 June 1996. The text reflects the various positions advanced in the last two years. However, greater or lesser concerns persist, in order to arrive at a treaty acceptable to all the parties. My delegation shares some of them. For instance, the preamble of the treaty seems to us to be weak and not to reflect the interest we all share in having a world free of nuclear weapons. Although the preamble mentions that "the nuclear test ban is a significant step in the process to secure nuclear disarmament", there is no time-bound commitment to that end in the operative part. For us it is not clear that the treaty is part of a set of international standards leading to the total elimination of these weapons of mass destruction.

Article I of the draft treaty, as you know well, prohibits only the conduct of tests by means of explosions and not the more sophisticated computer simulations. We might well wonder whether the real objective of its adoption is to maintain a status quo which is totally unacceptable to the countries that do not possess nuclear weapons. Article XIV on entry into force is interesting, but we might well wonder whether it is viable in the current circumstances if we are truly interested in the treaty entering into force at some time. These and many other concerns deserve analysis and review. I venture to remind you that the heads of State and government of the Movement of Non-Aligned Countries reaffirmed at the recent summit in Colombia that if the CTBT is to make sense as a disarmament treaty it has to be considered as a step towards the complete elimination of all nuclear weapons within a specific period. Colombia, in keeping with its Constitution and its status as a party to the Treaty of Tlatelolco, has an obligation not to produce, possess or make use of nuclear weapons. Consequently, we are prepared to sign a comprehensive nuclear-test-ban treaty contributing to the sole objective of the total elimination of these weapons in future. However, we are aware of the difficulties still experienced by some member States of this Conference. We hope that these difficulties can be resolved as soon as possible, and to that end, Mr. President, you can count on Colombia's support.

The PRESIDENT (translated from Spanish): I thank the distinguished representative of Colombia for her statement and her kind words. I now call on the distinguished representative of Iran, Ambassador Nasseri.

Mr. NASSERI (Islamic Republic of Iran): Mr. President, my sincere congratulations to you for assuming the presidency of the Conference. Your diplomatic skill and experience are well recognized and appreciated in the Conference, and we are thus assured of an able and effective stewardship. And then my gratitude to Ambassador Munir Akram, your predecessor, for his dedicated efforts and superb guidance of our work, particularly in relation to the expansion of the CD's membership.

The break in the CTBT negotiations provided us with a chance to participate at what seems to be the last meeting of the Preparatory Commission before the 180-day countdown on entry into force of the Chemical Weapons Convention. I believe this Conference, which spent years of dedicated attention and hard work to produce this unique treaty, is and should remain attached to, and watchful of,

(Mr. Nasseri, Islamic Republic of Iran)

progress towards its implementation. With deep regret, I must say, concern and apprehension is beginning to overwhelm hope and aspiration at The Hague. A Convention aimed at and prepared for chemical weapons disarmament in its true sense is at serious risk of turning into a chemical weapons non-proliferation treaty today.

The reason of course is not unknown. While 60 signatories have already ratified the Convention and a number of others are just about to do the same, ratification by the two declared possessors of chemical weapons is not imminent or even not evident to take place. If the two CW possessors would not ratify the Chemical Weapons Convention within the next few weeks, a necessity which is quite clearly out of reach by now, the integrity, the universality and indeed the entirety of the Convention would be under severe threat.

The Chemical Weapons Convention was designed and formulated with a basic undertaking that the two CW States would participate fully in its implementation. Yet, at this stage, the major players, whose place is in the middle of the field, are still staying on the sidelines playing only the role of cheerleaders.

So, deservedly, this last session of the PrepCom at The Hague became entirely preoccupied with this issue. At the end of a long debate, the Commission recognized that no accessible solutions to safeguard the treaty were immediately available and decided to convene a special meeting for this particular purpose before the Convention becomes operational.

I shall be coming back to this very significant issue at a later stage as it may be inappropriate to shift focus away from our current CTBT negotiations at this time. As a point of reference, I request, however, that a working paper prepared and distributed at The Hague be circulated as a document of the Conference on Disarmament.

This matter, on the other hand, is not without relevance to the current state of play on the CTBT. During the CWC negotiations, many critical issues were finalized around a point of balance which was heavily tilted towards the positions of the CW States. Major and substantial compromises were made by non-CW States in order to ensure that the Two remain on board. In fact, a substantive part of the text was almost copied in full from the bilateral agreement between the United States and the former Soviet Union.

On the CTBT we have done exactly the same here. The idea has been constantly been borne in mind throughout the negotiations here that we should pursue our positions to the extent that major nuclear-weapon States would not be deterred from accepting the treaty. This notion became so strong and evident towards the end that, in the latter parts of the last session, negotiations on some key issues became confined exclusively to a very few States.

It is understandable that we would desire to keep the principal actors committed to the process and to its conclusion. But, after the CWC experience,

(Mr. Nasseri, Islamic Republic of Iran)

the value and solidity of such commitments should be highly questioned. Of course the position of major Powers should be fully taken into account just as those of others. But we should be cautious not to produce a treaty that is custom-made for them with a perfect fit as they may not be ready or willing to wear it anyway at the time it is done and ready.

Therefore, on the remaining questions of nuclear disarmament, qualitative development, national technical means, inspection trigger, the Executive Council and entry into force, full and equal consideration should be given to the positions of the States concerned and we should avoid any attempt to suppress those positions under the perception of keeping intact the assumed commitments of some major players.

In this context, the reference to nuclear disarmament and the manner in which it is done has a particular significance.

We know for a fact that qualitative development of nuclear weapons may still be possible with the existing scope. We also know for a fact that following the CTBT and "cut-off" there are no further steps towards nuclear disarmament in sight. Let me add that we have also noted, and are still bewildered by, the arguments raised by some nuclear-weapon States at the International Court of Justice on their self-arrogated right to possess, even permanently, to use or threaten to use nuclear weapons.

We, therefore, have every right to demand a commitment to nuclear disarmament through a step-by-step programme that will be developed and concluded within specified intervals of time. The consensus reached since SSOD-I represents a minimum acceptable position and it should not be compromised under the prevailing circumstances.

Our positions on some pending issues were presented at the last plenary of the previous session. Those positions remain unchanged. At the same time, we wish to reiterate that we want the CTBT to be concluded rapidly and be prepared for signature in September. We have maintained a very flexible approach and tried hard to contribute positively at all stages of negotiations to help finalize the treaty in time. As the clock is ticking the treaty may be slipping away. Therefore, a refocused examination and consideration of issues is urgently needed to arrive at acceptable solutions and indeed, a prompt arrival at that.

The PRESIDENT (translated from Spanish): I thank the distinguished representative of Iran for his statement and his kind words. I call on the distinguished representative of Sri Lanka, Ambassador Goonetilleke.

Mr. GOONETILLEKE (Sri Lanka): Mr. President, please allow me to congratulate you on your assumption of the presidency of the Conference on Disarmament at this historic final phase in the negotiations on a comprehensive nuclear-test-ban treaty. We depend on your diplomatic skills and good sense of judgement to conclude our work on a comprehensive test ban, to which the

international community has been aspiring for decades. Let me also congratulate and welcome the new members of the Conference, whose entry into the CD has strengthened the Conference in no small measure.

Even as we resume the final part of the 1996 CD session, many a doubt continues to linger on in our minds on the text of the CTBT presented by the Chairman of the Ad Hoc Committee on a Nuclear Test Ban on 28 June, the status of the negotiations and, most importantly, the position of the CD vis-à-vis the Chairman's text contained in document CD/NTB/WP.330/Rev.1. The Chairman of the AHC on NTB has put together his text which, in his best judgement, would reflect and represent a fair balance between what is desirable and what is attainable. My delegation is very much aware of the fact that during the current round of negotiations he has done his utmost to produce a text that would bring us closer to our final destination. The Conference should applaud him and his delegation for their contribution.

During the negotiations many a compromise has been made by individual delegations in respect of their national positions, which are near and dear to their hearts. It is clear that without such a spirit of compromise the Ad Hoc Committee would not have made the progress that it has achieved in the past two and a half years. The question is whether we have been able to reach the desired goal and announce to the international community that the CD has succeeded in completing the task entrusted to it.

Despite the progress achieved by the Ad Hoc Committee, there remain a few but vital issues that call for resolution in order that we achieve the good treaty to which we all aspire. This aspiration is reflected in no uncertain terms in the mandate handed down to the Ad Hoc Committee on a Nuclear Test Ban by the Conference on Disarmament in January 1994, which I wish to repeat: "To negotiate intensively a universal and multilaterally and effectively verifiable comprehensive nuclear-test-ban treaty, which would contribute effectively to the prevention of the proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament and therefore to the enhancement of international peace and security."

Since the establishment of the Ad Hoc Committee on a Nuclear Test Ban in January 1994, its mandate has been renewed annually by the Conference. In this regard, it is important to point out that during the entire process of negotiations spanning a period of two and a half years, there has been no proposal to revise or otherwise amend the original mandate given to the Ad Hoc Committee in 1994. In the circumstances, it is incumbent upon us to examine carefully whether the draft treaty presented by the Chairman AHC/NTB and contained in CD/NTB/WP.330/Rev.1 fully reflects the mandate so carefully drafted, agreed upon and handed down to the Ad Hoc Committee by the Conference.

I now propose to comment on some of the issues that still remain to be resolved prior to the conclusion of our negotiations. The first issue is whether the AHC on NTB has indeed been able to deliver a draft of a comprehensive

(Mr. Goonetilleke, Sri Lanka)

test-ban treaty as required by the CD. The draft treaty is by no means comprehensive. As one delegation aptly put it, it will only "ban the bang". In this context, it is to be noted that the mandate given to the Ad Hoc Committee was designed to effectively prevent the proliferation of nuclear weapons "in all its aspects". Refusal to give a firm undertaking that under the CTBT environment there will be no measures for the development or qualitative improvement of nuclear weapons has sent a signal that vertical proliferation of nuclear weapons will not be stopped under the draft CTBT, as it has been formulated at present. If this is all that we can achieve in the present circumstances, let us then accept the situation and constructively acknowledge that fact. Such a decision will provide room for the CD to continue from where it has stopped and commence work for a truly comprehensive test-ban treaty at a more propitious time.

The preamble of a treaty should reflect the purposes and principles that bring the parties together. Such a declaration has to adequately cover the relevant aspects succinctly. As you are aware, there exists a considerable divergence of opinion as to whether the preamble contained in the Chairman's draft text offers the very best which the Ad Hoc Committee can achieve. For example, last year, States parties agreed to an indefinite extension of the Treaty on the Non-Proliferation of Nuclear Weapons. In doing so, the nuclear-weapon States reaffirmed their commitment to pursue in good faith negotiations on effective measures relating to nuclear disarmament. In this context, the Group of 21 has called upon the CD and the Ad Hoc Committee on NTB time and again for a commitment to nuclear disarmament in the context of the draft CTBT. However, such a commitment has so far not been made. Our position has been further reinforced by the advisory opinion handed down by the International Court of Justice on 8 July, which, inter alia, states: "There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control". It is, therefore, clear that the obligation is not only to pursue negotiations in good faith but also to bring such negotiations to a logical conclusion. Moreover, the advisory opinion has made it clear that this is a responsibility of all States and not only of the nuclear-weapon States. In the circumstances, it is important for the Ad Hoc Committee to take a fresh look at the preamble of the Chairman's draft CTBT text.

My delegation feels strongly about the need for the treaty to enter into force with minimum delay. Sri Lanka is fully aware of the strong viewpoints expressed by various delegations on the matter and the difficulties faced by the Chairman of the Ad Hoc Committee in arriving at a consensus on this issue. However, my delegation believes that article XIV, as presently drafted, will not permit the treaty to come into force - at all. Annex 2 to the draft CTBT contains a list of 44 countries, some of which have insurmountable difficulties with the treaty in its present form. To insist, therefore, that all these countries should sign for the treaty to enter into force, even when some of them have clearly stated that they would definitely not be a party to the treaty, is not the best way to prod the treaty to enter into force. It is tantamount to creating a power of veto over the treaty, thereby negating all the hard work

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achieved since negotiations commenced in 1994. Should we erect an impenetrable barrier, knowing full well that the end-product of our labour will not see the light of day, despite the measures referred to in paragraphs 2 and 3 of article XIV?

I might also add that the formulation in article XIV (2) which vests in the Conference the power to consider and decide "measures consistent with international law ... to accelerate the ratification process" should not be interpreted to mean a derogation in any form of the sovereign right of States to decide on ratification of treaties, which is a right well established in international law.

Another important issue that has to be resolved relates to the question of the composition of the Executive Council. Interests of equality and equity would best be served if we implement the principle of equitable geographical distribution. Views have been expressed in the Ad Hoc Committee against the proposed geographical distribution and use of contributions to the annual budget of the organization as an indicative criterion for the allocation of seats. To put it mildly, using contributions made by States parties as a criterion for determining seats on the Executive Council is an unhealthy precedent in multilateral instruments of this nature.

An important issue that is bound to concern the future States parties to the treaty, including mine, is the question of funding. The majority of these countries will be anxious to know in advance the actual financial cost of becoming party to the treaty. The treaty's prime cost would have as its elements the funding of the Preparatory Commission and the Provisional Technical Secretariat during the preparatory stage and the International Monitoring System, the first Conference of States Parties and the Comprehensive Test-Ban Treaty Organization following the entry into force of the treaty. With the reaction to the language in article XIV on entry into force, at least by one delegation, it is clear that the treaty will not enter into force for a considerable period of time. However, countries which have signed the treaty will become liable to meet certain costs whether the treaty enters into force or not. If the experience of the Chemical Weapons Convention is an index of the time and resources needed for the full implementation of the comprehensive test-ban treaty, then my own surmise would be that its Preparatory Commission is bound to last a considerable length of time prior to the convening of the first Conference of States Parties. As signature would entail an immediate financial obligation, we should have a clear picture of the annual cost to our budgets by virtue of signing the treaty.

I would like to remind the Ad Hoc Committee about its responsibility for concluding negotiations as required by General Assembly resolution 50/65. A number of countries stated very clearly at the Ad Hoc Committee meeting of 29 July that they support the Chairman's text as the basis to continue consultations on remaining issues and conclude negotiations within the stipulated time-limit. Some delegations made it clear that they wish to submit amendments to the Chairman's text. It is the hope of my delegation that these proposals

(Mr. Goonetilleke, Sri Lanka)

will receive due consideration from the Chairman of the Ad Hoc Committee and the members of the Conference. We support those delegations which expressed their agreement to use the Chairman's text as the basis for completing the final phase of negotiations. We are confident that with the experience and skill which have been amply demonstrated so far, the Chairman of the Ad Hoc Committee will be able to complete the negotiations on this landmark treaty in the coming days. In this task, deeply aware as we are of the acute time constraints that face us, we are ready to lend our fullest support to the Chairman of the Ad Hoc Committee to relieve him of his great burden, thus making a cherished dream of the international community come true.

The PRESIDENT (translated from Spanish): I thank the distinguished representative of Sri Lanka for his statement and his kind words. I now call on the distinguished representative of Brazil, Ambassador Saboia.

Mr. SABOIA (Brazil): For the Brazilian delegation and for myself it is a source of special satisfaction to see the Conference on Disarmament presided over by an illustrious representative of Peru, a fellow Latin American country and friendly neighbour. Please accept our sincere congratulations, Mr. President. We are confident that your well-known diplomatic skills and experience will serve us well at this critical time in the work of the Conference.

Let me take this opportunity to convey our warm thanks and appreciation to your predecessor, Ambassador Munir Akram of Pakistan, for having discharged the responsibilities of the President at a particularly trying juncture with his usual dexterity and valour.

May I also express our recognition to the Chairman of the Ad Hoc Committee for his efforts to bring a comprehensive test-ban treaty into being? We offer him our full support in his continuing endeavours to that effect.

As has been the case for most States represented around this table, the 28 June draft comprehensive nuclear-test-ban treaty (CD/NTB/WP.330/Rev.1) was subjected to thorough analysis by the Brazilian Government during the last four weeks.

Like several others, we believe this draft to have many deficiencies, among which we may mention the lack of any real commitment for nuclear disarmament; the absence of clear criteria regarding the use of data not gathered through treaty organs for verification purposes; and the heavy financial burden which will befall signatories regardless of their nuclear explosion capabilities or past behaviour in this regard. In spite of these, we are convinced that this text offers the best prospect for the international community to attain, this year, the long-sought goal of outlawing nuclear weapon test explosions, bringing us all closer to a nuclear-weapon-free world. Thus, after careful consideration of all significant issues involved, the Brazilian Government would be prepared to accept the draft treaty as contained in document CD/NTB/WP.330/Rev.1.

(Mr. Saboia, Brazil)

Upon the resumption of our work three days ago, diverse opinions were expressed with regard to the draft treaty and the prospects for its adoption. Although the current situation may allow for more than one interpretation, it is an inescapable fact at this stage that several important participants in the negotiations that preceded the presentation of CD/NTB/WP.30/Rev.1 - among them one nuclear-weapon State - still have major difficulties with that text. Brazil is ready to contribute as much as it is able in order to explore all avenues leading to a generally acceptable treaty being sent to the fifty-first United Nations General Assembly next September.

The PRESIDENT (translated from Spanish): I thank the representative of Brazil for his statement and his kind words. I have no other speakers on the list for this morning. I would like to know if any delegation would like to take the floor? That does not seem to be the case. I would now like to turn to the requests made by Kazakstan and Seychelles to participate as non-members in the work of the Conference. It has been seen in consultations that it would be acceptable for delegations to address these requests directly in plenary without holding any informal meetings, on the understanding that this does not create a precedent for the future in respect of similar requests. The secretariat has circulated today in document CD/WP.476 a note from the President containing these requests. If there are no objections I shall take it that the Conference accepts these requests.

It was so decided.

The PRESIDENT (translated from Spanish): At my request the secretariat has circulated the provisional timetable of meetings for next week. The timetable was prepared in consultation with the Chairman of the Ad Hoc Committee on a Nuclear Test Ban, and as usual it is merely indicative and subject to change if necessary. On that understanding, may I take it that the Conference considers the timetable acceptable?

It was so decided.

The PRESIDENT (translated from Spanish): Before adjourning the meeting I should like to inform delegations that this afternoon at 3 p.m., in room 1, there will be a meeting of the Friend of the Chair of the Ad Hoc Committee on a Nuclear Test Ban on the host country agreement. The next plenary meeting of the Conference on Disarmament will be held on Thursday, 8 August at 10 a.m.

The meeting rose at 12.15 p.m.